IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 6121 of 2005

Between:

Jaya Prakash Joshi, S/o.Sri Srinivasa Joshi,
R/o.H.No.14-11-92, Mangalhat, Hyderabad.

..... PETITIONER

AND

1 The Station House officer, Narsingi police Station, Narsingi, Ranga Reddy District.
2 K.Ashok Kumar, S/o.Late Sri K.Motilal,
R/o.H.No.11-1-264, Aghapura, Kaman, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or directions, more particularly one in the nature of writ of Mandamus declaring the action of the first Respondent in interfering with the civil dispute between the petitioner and the second Respondent in O.S.No.1021 of 2004 pending adjudication before the learned the principal junior civil judge, west and south, Ranga Reddy District, and further direct the first respondent not to interfere with the petitioner's possession and enjoyment of the suit scheduled property of the said suit and pass such other order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case

Counsel for the Petitioner: MR.M.V.DURGA PRASAD

Counsel for the Respondent No.: GP FOR HOME

The Court at the stage of admission made the following :

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ORDER:.

Heard both sides and at their request, this Writ Petition is taken up for disposal at the stage of admission.

The only grievance of the petitioner is that the first respondent, who is the Police Officer, has been interfering with the private disputes between the petitioner and the second respondent.

It appears that there are some civil disputes pending between the petitioner and the second respondent and a suit in this connection has also been filed by the second respondent herein, and the same is pending, on the file of the Principal Junior Civil Judge, West and South, Ranga Reddy District in O.S.No. 1021 of 2004.

Be that as it may, the first respondent has been insisting the petitioner, to enter into a settlement with the second respondent and threatening the petitioner with dire consequences, if the suggestion made by him is not acceded to.

Repeatedly, this Court cautioned the Police Officers not to interfere with and settle the private civil disputes between two parties as it is not their duty to do so. The investigating officers, like first respondent, shall remember that their duties are in a different direction viz., to take cognizance of offences as and when reported and proceed further in accordance with law by setting the Criminal Law in motion as prescribed under law, but not certainly to try to settle the private civil disputes pending between the private parties, more so, when the dispute is pending adjudication before the competent civil court, which amounts to taking coercive steps against one party and helping the other party, which is impermissible in law.

Therefore, the first respondent shall stop forthwith any attempts for the settlement of private civil disputes between the petitioner and the second respondent and shall allow the parties to settle their disputes only before the competent civil court.

With the above observation and direction, the Writ Petition is disposed of. No order as to costs.

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D.S.R. VARMA, J

DATED: 24.03.2005

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To

1 The Station House officer, Narsingi police Station, Narsingi, Ranga Reddy District.
2. Two CCs to G.P. for Home, High Court of A.P. Hyderabad. (OUT)

3. Two CD copies.